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PTO/SB/21 (09-04)  
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/753,417-Conf. #6382
	Filing Date	January 9, 2004
	First Named Inventor	Rainer Hammann
	Art Unit	1645
	Examiner Name	L. J. Tongue
Total Number of Pages in This Submission	Attorney Docket Number	020187.0173PTUS

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment/Reply  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input checked="" type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Reply to Missing Parts/Incomplete Application  <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____  <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Receipt Postcard
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	PATTON BOGGS LLP		
Signature			
Printed name	Brian K. Lathrop		
Date	October 21, 2005	Reg. No.	43,740



Docket No.: 020187.0173PTUS  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Rainer Hammann et al.

Application No.: 10/753,417

Confirmation No.: 6382

Filed: January 9, 2004

Art Unit: 1645

For: METHOD OF DETECTING ANTIBIOTIC  
RESISTANCE IN MICROORGANISMS

Examiner: L. J. Tongue

**INFORMATION DISCLOSURE STATEMENT (IDS)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR §§ 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is filed after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Office Action or Notice of Allowance (37 CFR 1.97(c)).

Applicant has not submitted copies of each cited U.S. patent and U.S. patent application as required by 37 CFR 1.98(a)(2)(i), amended October 2004, as the U.S. Patent and Trademark Office has waived this requirement for all U.S. patent applications. Applicant submits herewith copies of foreign and non-patents in accordance with 37 CFR 1.98(a)(2).

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information



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<b>Effective on 12/08/2004.</b> Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).		<b>Complete if Known</b>	
<b>FEE TRANSMITTAL</b> <b>For FY 2005</b>		Application Number	10/753,417-Conf. #6382
		Filing Date	January 9, 2004
		First Named Inventor	Rainer Hammann
		Examiner Name	L. J. Tongue
		Art Unit	1645
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Attorney Docket No.	020187.0173PTUS
<b>TOTAL AMOUNT OF PAYMENT</b>		<b>(\$)</b>	<b>180.00</b>

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<b>FEE CALCULATION</b>							
<b>1. BASIC FILING, SEARCH, AND EXAMINATION FEES</b>							
	<b>FILING FEES</b>		<b>SEARCH FEES</b>		<b>EXAMINATION FEES</b>		
		<u>Small Entity</u>		<u>Small Entity</u>		<u>Small Entity</u>	
<b>Application Type</b>	<b>Fee (\$)</b>	<b>Fee (\$)</b>	<b>Fee (\$)</b>	<b>Fee (\$)</b>	<b>Fee (\$)</b>	<b>Fee (\$)</b>	<b>Fees Paid (\$)</b>
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____
<b>2. EXCESS CLAIM FEES</b>							
						<u>Small Entity</u>	
						<b>Fee (\$)</b>	<b>Fee (\$)</b>
Each claim over 20 (including Reissues)						50	25
Each independent claim over 3 (including Reissues)						200	100
Multiple dependent claims						360	180
<b>Total Claims</b>		<b>Extra Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>	<b>Multiple Dependent Claims</b>		
_____ - = _____		x _____	= _____		<b>Fee (\$)</b> <b>Fee Paid (\$)</b>		
<b>Indep. Claims</b>		<b>Extra Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>			
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<b>3. APPLICATION SIZE FEE</b>							
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
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Non-English Specification, \$130 fee (no small entity discount)						<b>Fees Paid (\$)</b>	
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<b>SUBMITTED BY</b>			
Signature	<u>Brian K. Lathrop</u>	Registration No. (Attorney/Agent)	43,740
Name (Print/Type)	Brian K. Lathrop	Telephone	(703) 744-8000
		Date	October 21, 2005

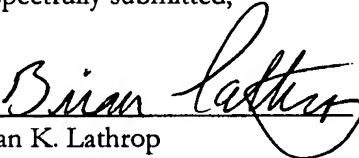
Disclosure statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

Please charge our Credit Card in the amount of \$180.00 covering the fee set forth in 37 CFR 1.17(p). Credit Card Payment Form SB-2038, with a signature from an authorized cardholder, is enclosed. The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 50-2228, under Order No. 020187.0173PTUS. A duplicate copy of this paper is enclosed.

Dated: October 21, 2005

Respectfully submitted,

By 

Brian K. Lathrop

Registration No.: 43,740

PATTON BOGGS LLP

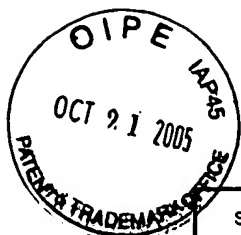
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Attorney for Applicant



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			Application Number	10/753,417-Conf. #6382	
			Filing Date	January 9, 2004	
			First Named Inventor	Rainer Hammann	
			Art Unit	1645	
			Examiner Name	L. J. Tongue	
Sheet	1	of	2	Attorney Docket Number	020187.0173PTUS

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number-Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				
	BA	JP H07-000181 A	01-06-1995	KYOKUTO SEIYAKU KOGYO KK		√
	BB	WO 2004/027086-A1	04-01-2004	RAMBACH		

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	CA	Becton Dickinson, "Oxacillin Screen Agar," Quality Control/Product Information, P21952-Rev. 05 (December 1998).	
	CB	Cavassini <i>et al.</i> , <i>J. Clin. Microbiol.</i> 37: 1591-94 (May 1999).	
	CC	Chambers, "Methicillin Resistant Staphylococci," <i>Clin. Micro. Rev.</i> 1: 173-186 (1988).	
	CD	Chambers, <i>Clin. Microbiol. Rev.</i> 10: 781-91 (October 1997).	
	CE	Dancer, <i>J. Antimicrob. Chemother.</i> 48: 463-78 (2001).	
	CF	de Lencastre <i>et al.</i> , "Multiple mechanisms of methicillin resistance and improved methods for detection in clinical isolates of <i>Staphylococcus aureus</i> ," <i>Antimicrob. Agents Chemother.</i> 35: 632-639 (1991).	
	CG	Dickinson <i>et al.</i> , "Phenotypic Expression of Oxacillin Resistance in <i>Staphylococcus aureus</i> : Roles of <i>mecA</i> Transcriptional Regulation and Resistant-Subpopulation Selection," <i>Antimicrob. Agents Chemother.</i> 44: 1616-1623 (2000).	
	CH	Felten <i>et al.</i> , <i>J. Clin. Microbiol.</i> 40: 2766-71 (August 2002).	
	CI	Frebourg <i>et al.</i> , <i>J. Clin. Microbiol.</i> 36: 52-57 (January 1998).	
	CJ	Gerberding <i>et al.</i> , "Comparison of conventional susceptibility tests with direct detection of penicillin-binding protein 2a in borderline oxacillin-resistant strains of <i>Staphylococcus aureus</i> ," <i>Antimicrob. Agents Chemother.</i> 35: 2574-2579 (1991).	
	CK	Higashi <i>et al.</i> , <i>Chemotherapy</i> 45: 37-47 (Jan.-Feb. 1999).	
	CL	Kampf <i>et al.</i> , "Evaluation of Mannitol Salt Agar for Detection of Oxacillin Resistance in <i>Staphylococcus aureus</i> by Disk Diffusion and Agar Screening," <i>J. Clin. Microbiol.</i> 36: 2254-2257 (1998).	
	CM	Kluytmans <i>et al.</i> , <i>J. Clin. Microbiol.</i> 40: 2480-82 (July 2002).	
	CN	Louie <i>et al.</i> , <i>J. Clin. Microbiol.</i> 38: 2170-73 (June 2000).	
	CO	Manual of Clinical Microbiology, 7 <sup>th</sup> ed., Murray <i>et al.</i> , eds., American Society for Microbiology Press, pp. 276, 1506-07 (April 1999).	
	CP	Marriott <i>et al.</i> , <i>J. Clin. Microbiol.</i> 37: 3783-84 (November 1999).	
Examiner Signature			Date Considered



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			Examiner Name	L. J. Tongue	
Sheet	2	of	2	Attorney Docket Number	020187.0173PTUS

	CQ	Martineau <i>et al.</i> , <i>Antimicrob. Agents Chemother.</i> <b>44</b> : 231-38 (February 2000).	
	CR	Moriyasu <i>et al.</i> , <i>Jpn. J. Clin. Pathol.</i> <b>42</b> : 271-77 (1994) (English translation).	
	CS	Moriyasu <i>et al.</i> , <i>Jpn. J. Clin. Pathol.</i> <b>42</b> : 271-77 (1994) (Original Japanese Language Document).	
	CT	Mougeot <i>et al.</i> , <i>Pathol. Biol.</i> <b>49</b> : 199-204 (2001).	
	CU	National Committee for Clinical Laboratory Standards (NCCLS), "Performance Standards for Antimicrobial Disk Susceptibility Tests; Approved Standard," 7 <sup>th</sup> ed., M2-A7, Vol. 20, No. 1 (January 2000).	
	CV	NCCLS, "Methods for Dilution Antimicrobial Susceptibility Tests for Bacteria That Grow Aerobically; Approved Standard," 5th ed., M7-A5, Vol. 20, No. 2 (January 2000).	
	CW	Okonogi <i>et al.</i> , <i>J. Antimicrob. Chemother.</i> <b>24</b> : 637-45 (1989).	
	CX	Resende <i>et al.</i> , "Discrimination of methicillin-resistant <i>Staphylococcus aureus</i> from borderline-resistant and susceptible isolates by different methods," <i>J. Med. Microbiol.</i> <b>46</b> : 145-149 (1997).	
	CY	Simor <i>et al.</i> , "Evaluation of a New Medium, Oxacillin Resistance Screening Agar Base, for the Detection of Methicillin-Resistant <i>Staphylococcus aureus</i> from Clinical Specimens," <i>J. Clin. Microbiol.</i> <b>39</b> : 3422 (2001).	
	CZ	Swenson <i>et al.</i> , "Optimal Inoculation Methods and Quality Control for the NCCLS Oxacillin Screen Test for Detection of Oxacillin Resistance in <i>Staphylococcus aureus</i> ," <i>J. Clin. Microbiol.</i> <b>39</b> : 3781-3784 (2001).	
	CA1	Swenson <i>et al.</i> , "Performance of Eight Methods, Including Two New Rapid Methods, for Detection of Oxacillin Resistance in a Challenge Set of <i>Staphylococcus aureus</i> Organisms," <i>J. Clin. Microbiol.</i> <b>39</b> : 3785-3788 (2001).	
	CB1	Tomasz <i>et al.</i> , "Stable classes of phenotypic expression in methicillin-resistant clinical isolates of staphylococci," <i>Antimicrob. Agents Chemother.</i> <b>35</b> : 124-129 (1991).	
	CC1	Van Enk <i>et al.</i> , "Use of primary isolation medium for recovery of methicillin-resistant <i>Staphylococcus aureus</i> ," <i>J. Clin. Microbiol.</i> <b>30</b> : 504-505 (1992).	
	CD1	Van Griethuysen <i>et al.</i> , <i>J. Clin. Microbiol.</i> <b>37</b> : 2789-92 (September 1999).	
	CE1	Wertheim <i>et al.</i> , <i>J. Clin. Microbiol.</i> <b>39</b> : 2660-62 (July 2001).	
	CF1	Yamazumi <i>et al.</i> , <i>J. Clin. Microbiol.</i> <b>39</b> : 53-56 (January 2001).	
	CG1	Yao <i>et al.</i> , In <i>Manual of Clinical Microbiology</i> , 6th ed., Murray <i>et al.</i> , eds., American Society for Microbiology Press, pp. 1281-1286 (1995).	

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
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